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7 dba UKIAH AUTO DISMANTLERS and WAYNE HUNT

8
9 UNITED STATES DISTRICT COURT

10
11 NORTHERN DISTRICT OF CALIFORNIA

12 PINOLEVILLE POMO NATION,) Case No. C 07-02648 SI
13 PINOLEVILLE POMO NATION)
14 ENVIRONMENTAL ASSOCIATION and)
15 LEONA WILLIAMS,) DECLARATION OF JAMES McLEARY
16 Plaintiffs,) IN OPPOSITION TO PRELIMINARY
17) INJUNCTION
18)
19 v.)
20)
21 UKIAH AUTO DISMANTLERS, WAYNE)
22 HUNT, ISABEL LEWRIGHT, WARRIOR)
23 INDUSTRIES, INC., RICHARD)
24 MAYFIELD, ROSS JUNIOR MAYFIELD,)
25 PAULA MAYFIELD, KENNETH HUNT,)
26 U.S. ALCHEMY CORPORATION and)
27 DOES 1-50, Inclusive,)
28 Defendants.)

29)

30 I, JAMES McLEARY, declare as follows:

31 1. I am employed by the County of Mendocino. I supervise the County of
32 Mendocino Abandoned Vehicle Abatement Program pursuant to Vehicle Code,
33 Division 11, Chapter 10, Article 1, Section 22710, *et seq.* I make this declaration of my
34 own personal knowledge, except as to those matters stated upon information and belief,
35 and as to those matters I believe them to be true. If called upon to testify to the matters
36 stated herein, I could and would competently do so.

1 2. Mendocino County has adopted an Ordinance establishing procedures for
2 the abatement of removal pursuant to the Abandoned Vehicle Abatement Program.
3 The County of Mendocino imposes a surcharge pursuant to State statute upon vehicle
4 registrations in Mendocino County, the revenues for which are utilized to abate
5 abandoned vehicles as a public nuisance.
6

7 3. Pursuant to the Mendocino County Program, the County of Mendocino
8 has entered into a contract with Ukiah Auto Dismantlers, Inc. for approximately
9 two-thirds (2/3) of the County of Mendocino's 3,508 square miles extending to all areas
10 in the County except the Coastal area from Manchester to Ft. Bragg on the Mendocino
11 County Coast.

12 4. If this Court granted injunctive relief ordering Ukiah Auto Dismantlers to
13 cease its activities and Ukiah Auto Dismantlers was therefore unable to comply with its
14 contract by accepting abandoned vehicles, there would be an immediate negative
15 impact upon the County of Mendocino Abandoned Vehicle Abatement Program.
16

17 5. Specifically, abandoned vehicles when abated would have to be
18 transported to a replacement facility, probably in Sonoma County. This would entail
19 extra cost to the public and increased emission of greenhouse gases for the cost of
20 transportation to distant facilities.

21 6. Furthermore, vehicles which are voluntarily abandoned by their owners
22 are typically delivered to the Ukiah Auto Dismantlers facility. If this facility was not
23 available to County residents, it is conceivable that the abandoning owners would
24 dispose of the vehicles in various areas of the County such as back roads and over
25 embankments. Since the advent of the Abandoned Vehicle Abatement Program, such
26 unlawful disposal of abandoned vehicles has been substantially decreased. Sudden
27 closure of the Ukiah Auto Dismantlers facility would likely restore the negative
28

1 circumstances prevailing prior to the establishment of the Abandoned Vehicle
2 Abatement Program and contract with Ukiah Auto Dismantlers.

3 I declare under penalty of perjury under the laws of the State of California that
4 the foregoing is true and correct.

5 Executed this 11 day of June at Ukiah, California.


JAMES McLEARY

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110-787459 3918 NEARY CHRISTOPHER J. 09:07 11-11-90
FROM: 7874635789 TO: 12:45 11-11-90